

REMARKS

The Office Action of April 1, 2010, has been carefully reviewed, and in view of the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 47-51 were rejected under 35 U.S.C. § 112, second paragraph; and claims 47 and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orr (U.S. Patent No. 5,865,768) in view of Kawada et al. (JP 03089426A). Applicants gratefully acknowledge the indication that claims 1, 3, 5, 7 and 31-46 are allowed, and that claims 49 and 50 would be allowable if rewritten to overcome the rejections under Section 112, second paragraph.

Applicants note that claim 48 is not included in the prior art rejection under Section 103, yet it is also not indicated as allowable if amended to overcome the rejection under Section 112. Clarification as to the status of claim 48 is kindly requested in the next official action.

Section 112 rejections

Claims 47-51 stand rejected under Section 112, second paragraph, as being indefinite. The Examiner indicates that Claim 47, lines 5-6 reciting "a welded portion formed by the welding has a projection projecting in the outer peripheral direction" and lines 8-10 reciting "the welded portion does not extend farther radially outwardly than an enlarged proximal-most end portion of the first wire and does not extend farther radially outwardly than a distal-most end portion of the second wire" are confusing. The Examiner contends that it is unclear how a welded portion can be considered a projection if the welded portion does not extend farther than either the first or second wire.

Applicants respectfully contend that lines 8-10 of Claim 47 merely emphasize that the enlarged proximal-most end portion of the first wire and the enlarged distal-most end portion of the second wire are connected without having a further enlargement on the surface near the welded joint line, as shown for example in Fig. 1 and Figs. 10-14. That is, the weld itself is no larger radially than the already enlarged end portion.

If the Examiner requires any further clarification on this matter or believes an amendment to claim 47 would facilitate understanding of this feature, he is kindly invited to telephone the undersigned counsel for Applicants.

Section 103 rejections

The Official Action rejects Claims 47-51 under 35 U.S.C. §103(a) over U.S. Patent No. 5,865,768 to Orr in view of Japanese Patent Application Publication No. 03-089426 to Kawada et al. ("Kawada"). For at least the following reasons, this rejection is respectfully traversed.

Orr discloses a guide wire having a radiopaque portion 30 and a radiolucent portion 25 which the Official Action says corresponds to the claimed first and second wires, respectively. The Official Action states that Kawada discloses welding a first wire to a second wire and increasing the area of the weld by including a larger diameter section to improve weld strength. The Official Action takes the position that it would have been obvious to modify the connection of Orr's radiolucent portion 25 to the radiopaque portion 30 to include Kawada's "larger diameter weld". Applicants respectfully disagree with the Official Action's position.

First, one skilled in the art would not have looked to Kawada to modify any aspects of Orr's guide wire. Orr's guide wire is used in percutaneous

transluminal coronary angioplasty (PTCA) applications to reduce arterial build-up of cholesterol fats or atherosclerotic plaque (see lines 9-11 of column 1 of Orr). That is, Orr's guide wire is configured to be inserted into a coronary artery of a human body to reach a stenosis as discussed in lines 17-19 of column 1 of Orr's disclosure.

Kawada discloses butt-welding a Dumet wire 13 to lead wires 2 and 3 via an end section 12 as shown in Fig. 1 of Kawada and discussed in Kawada's Abstract. A Dumet wire is a component in a glass-to-metal vacuum seal. Glass-to-metal vacuum seals are not pertinent to guide wires used for insertion into a body lumen of an organism. Accordingly, Kawada's Dumet wire 13 is not relevant to Orr's guide wire. Thus, one of ordinary skill in the art of guide wires would not have looked to Kawada's disclosure for guidance in modifying the radiolucent portion 25 of Orr's guide wire.

Second, Kawada's Dumet wire 13 has a smaller diameter than each of the lead wires 2 and 3 as clearly shown in Fig. 1 of Kawada. Accordingly, to improve the strength of the weld between the smaller Dumet wire 13 and the larger lead wires 2 and 3, Kawada discloses that the end sections 12 provided between the Dumet wire 13 and each lead wire 2, 3 should have a larger diameter than the Dumet wire 13. In essence, the larger diameter end sections 12 compensate for the small diameter of the Dumet wire 13 at the connection with the lead wires 2 and 3. In this way, the "larger diameter" end sections 12 improve the weld strength between the Dumet wire 13 and the lead wires 2 and 3.

In contrast, the diameter of Orr's radiolucent portion 25 (said to correspond to the claimed second wire) is the same as the diameter of the proximal end of the joint 40 connecting the radiolucent portion 25 and the radiopaque portion 30 as shown in Fig. 1 of Orr. Thus, there is no need to provide a "larger diameter" end section

between the radiolucent portion 25 and the joint 40 to compensate for any difference in diameter between the radiolucent portion 25 and the proximal end of the joint 40. That is, there is no reason why one of ordinary skill in the art would have increased the area of the Orr's weld by including Kawada's "larger diameter" end sections 12 as stated by the Official Action.

Accordingly, the combination of Orr and Kawada fails to disclose, and would not have rendered obvious, a guide wire having the combination of features recited in independent Claim 47. Thus, independent Claim 47 is patentable over Orr and Kawada.

CONCLUSION

In view of the above remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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